

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 26th August 1955.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Replacement of English by Hindi as the official language of the Union Government.

* 361 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Chief Minister be pleased to state—

(a) whether the Government have considered the programme and proposals mentioned in the brochure issued by the Union Ministry of Education to replace English by Hindi as the official language of the Union Government; and

(b) if so, the steps proposed to be taken by the Government to implement the direction of the Centre?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Chief Minister):—“(a) This Government have not received the brochure issued by the Union Ministry of Education on the subject.

“(b) Does not arise.”

SRI V. V. RAMASWAMI:—“இந்திய அரசாங்கக் கொள்கையிலே இந்தியை பரப்புவதற்காக அதை மூன்று கட்டங்களாகப் பிரித்து முதல் கட்டத்தில் நிர்வாகத்திற்கான கலைச் சொற்களைத் தொகுக்கவும், இரண்டாவது கட்டத்தில் உயர்நிலைப் பள்ளிகளில் கட்டாயமாக இந்தியைப் பாடமாக்கவும் அபிப்பிராயம் என்று சொல்லப்படுகிறது. அதேமாதிரி இருந்தால், நம்முடைய அரசாங்கத்தின் அபிப்பிராயம் என்னவென்று நான் அறிய விரும்புகிறேன்.”

THE HON. SRI M. BHAKTAVATSALAM:—“மத்திய அரசாங்கத்தின் கொள்கையைப்பற்றி என்ன சொல்லப்பட்டிருந்தாலும், இந்த அரசாங்கத்தின் கொள்கை முன்னமேயே நன்கு விளக்கப்பட்டிருக்கிறது.”

SRI V. CHAKKARAI CHETTY:—“May I ask the Hon. Minister, Sir, what, in his opinion, is the place of Hindi language? Is it an ancient language? Or has it grammar? Has it got literature? What kind of language is it to be forced upon us?”

THE HON. SRI M. BHAKTAVATSALAM:—“There is no question of forcing that language on us. About its place in the languages of the world, if the hon. Member is very much interested to know, he must put a separate question.”

SRI V. V. RAMASWAMI:—“மத்திய அரசாங்கம் இந்தியை 15 ஆண்டுகளுக்குள் அரசாங்க மொழியாகக் கொண்டுவரவேண்டும் என்று சொன்னபோதிலும், மேலும் தவணை வேண்டும் என்று கேட்பதாக. கனம் அமைச்சர் அவர்கள் முன்பு கூறினார்கள். இப்பொழுதும் அவர்கள் அதே கருத்துடன்தான் இருக்கிறார்களா என்று அறிய விரும்புகிறேன்.”

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THE HON. SRI M. BHAKTAVATSALAM :—“ அரசாங்கம் முன்பு வெளியிட்ட கருத்திலிருந்து இப்பொழுது ஒன்றும் மாற்றிக்கொள்ள வில்லை.”

DR. V. K. JOHN :—“ Sir, is there any other State in India, particularly in South India, which resists the forcing of this Hindi on it? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do not know whether what the hon. Member said about the resistance to the forcing of Hindi applies to this State. About other States, I have no information.”

SRI A. GAJAPATHY NAYAGAR :—“ Do this Government believe that English will be replaced by Hindi, Sir? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ There is no question of believing or not believing. That may have to be ultimately done.”

SRI A. M. ALLAPICHAJ :—“ Sir, in view of the fact that our Constitution says that Hindi should become the national language of India, is it not to be the endeavour on the part of the Government to see that at least in course of time Hindi becomes the national language and that we should also move in that direction? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ That is perhaps the correct position.”

SRI MOHAMED RAZA KHAN :—“ May I ask, Sir, whether any definite attempt is being made or positive steps taken by the Members in the Cabinet to learn Hindi so that they may serve as an example to others? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Members in the Cabinet will certainly take all steps to equip themselves fully for discharging their duties.”

SRI V. V. RAMASWAMI :—“ பதினான்கு தேசிய மொழிகளில் இந்தியும் ஒரு மொழிதானே. அப்படி இருக்கும்பொழுது, இந்தியை தேசிய மொழி அல்லது அரசியல் மொழி ஆக்குவதில் என்ன கருத்து? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ மத்திய அரசாங்கத்தின் பாஷையாக இந்தியை அமைப்பது என்பது இந்தியாவிலே பெரும்பாலானவர்கள் அந்த மொழியைப் பேசுவதால்தான்.”

SRI MOHAMED RAZA KHAN :—“ Sir, nobody thinks that our Ministers in the Cabinet are not discharging their duties properly. My only question is whether any attempt is being made collectively or individually to learn Hindi so that they may not be at a disadvantage when they go to Delhi for discussions in future? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Whenever any Member of the Cabinet or the Cabinet feel that they suffer from any disadvantage by not equipping themselves in Hindi, they will certainly take steps to equip themselves. That is what I said before.”

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Lignite excavation in Neiveli Project.

* 362 Q.—SRI V. V. RAMASWAMI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the progress of lignite excavation in the Neiveli Project; and

(b) whether there is any proposal before the Government to start any electrical industry in that area?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) The pilot lignite quarry at Neiveli has gone to a depth of about 150 feet below ground level. Out of a total quantity of about 260 lakhs cubic feet of overburden to be excavated a quantity of about 230 lakhs cubic feet (i.e., about 85 per cent) of overburden has been removed. Further excavation work has been suspended pending the reduction of the pressure of the artesian aquifer below the lignite by large-scale pumping of water.

“(b) There is a proposal to establish a lignite burning thermal station at Neiveli with a capacity of 211 megawatts. There is no proposal to set up any industry in the area for the manufacture of electrical goods.”

SRI V. V. RAMASWAMI :—“எலெக்ட்ரிக் எக்ஸ்ப்ளொரேஷன் செய்வதற்காக ஒரு தொழிற்சாலை தென்னிந்தியாவிலே ஏற்படுத்தலாம் என்ற அபிப்பிராயத்தை ஒரு வேளை மத்திய அரசாங்கம் கொண்டிருந்தால் அந்தத் தொழிற்சாலையை நம் மாகாணத்தில் இந்த இடத்தில் நிறுவுவதற்காக நமது சர்க்கார் வற்புறுத்துவார்களா?”

THE HON. SRI M. BHAKTAVATSALAM :—“புதிய ஹெலி எலெக்ட்ரிகல் தொழிற்சாலையை நமது ராஜ்யத்தில் அமைப்பது குறித்து இந்த அரசாங்கம் மத்திய அரசாங்கத்திடம் வற்புறுத்திக் கொண்டுதான் இருக்கிறார்கள். ஆனால் நிபுணர்கள் எல்லாம் பார்த்து எந்த இடம் தகுதிவாய்ந்தது என்று ஸ்பார்சு செய்வதின் பேரில்தான் முடிவுசெய்யவேண்டுமென்று மத்திய அரசாங்கத்தினர் சொல்லுகின்றனர். அம்மாதிரி சென்னை ராஜ்யத்தில் எலெக்ட்ரிகல் தொழிற்சாலை ஏற்படுவதாய் இருந்தால் கூட அதற்கு நெய்வேலி தகுந்த இடம் என்று கருதப்படவில்லை. தகுந்த இடத்தைப் பார்த்து அங்கே அமைக்கலாம்.”

SRI MOHAMED RAZA KHAN :—“Has the attention of the Hon. Minister been drawn to a report in the press that somewhere in the proximity of Neiveli, in the course of digging a well, black coal was found and it was a much better variety of coal than Neiveli coal and also the problem of water did not exist?”

THE HON. SRI M. BHAKTAVATSALAM :—“I have also seen a press report that some kind of coal or something looking like coal—not certainly better in quality than the one available in Neiveli—was found during the course of excavation near Tindivanam. I have asked our experts to go into the question.”

SRI V. V. RAMASWAMI :—“நெய்வேலிப் பிராந்தியம் இல்லாவிட்டால், இந்த ஹெலி எலெக்ட்ரிகல் தொழிற்சாலைக்கு எது தகுந்த இடம் என்று சர்க்கார் கருதுகிறார்கள் என்று சொல்லப்படுமா?”

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THE HON. SRI M. BHAKTAVATSALAM :—“ அதை நிபுணர்கள் என்ன அபிப்பிராயம் சொல்லுகிறார்கள் என்பதைப் பொருத்துதான் செய்யவேண்டும். ஆவடியில்கூட அந்தத் தொழிற்சாலையை ஏற்படுத்தலாமென்று முன்பு நாம் ஒரு யோசனைகூறினோம். தண்ணீர் அதிகமாக வேண்டும். இன்னும் சில வசதிகளும் வேண்டும். அதையெல்லாம் கவனித்துத்தான் இடத்தைத் தேர்ந்தெடுக்கவேண்டும். முன்பு ஒரு நிபுணர் வந்து பார்க்கையில் ஆவடியைக் குறிப்பிட்டோம்.”

Industries in the Madras State.

* 363 Q.—**SRI V. V. RAMASWAMI:** Will the Hon. the Minister for Agriculture be pleased to state—

(a) the various industries, major, medium, small-scale and cottage in the Madras State; and

(b) the particular cottage industries which they propose to encourage in order to give employment to the agriculturists who are out of work during the greater part of the year?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) The details of the various industries which are proposed to be set up in the Madras State during the next five years are contained in the draft Second Five-Year Plan for the State, copies of which have been circulated to all Members of the Legislature.

“(b) All the cottage industries schemes proposed for inclusion in the State Plan are intended to provide greater employment opportunities to the people in the villages.”

SRI V. V. RAMASWAMI :—“கிராமங்களிலே நிறுவப்படும் குடிசைத் தொழில்கள் அந்தந்த பிராந்தியத்திலேயே உற்பத்தி செய்யப்பட்டு அங்கேயே விற்பதற்கு மார்க்கெட் வசதிகள் ஏற்படும்படியாக இருக்குமா? அல்லது, பெரிய நகர்ப்புறங்களில் இருக்கின்ற பெரிய தொழிற்சாலைகளுக்கு உதவியாக சிறு கைத்தொழில்கள் பரவலாகக் கிராமங்களில் ஏற்படுத்தப்படுமா என்று கேட்கிறேன்.”

THE HON. SRI M. BHAKTAVATSALAM :—“கூடியவரையில் பரவலாக அந்தந்த கிராமங்களுக்கு ஏற்ற தொழில் என்னவென்று பார்த்து எல்லா ஜிலலாக்களிலும் தொழில்கள் அமையும்படித்தான் ஏற்பாடு செய்யவேண்டும். அதில் இப்பொழுது கவனம் செலுத்தப்பட்டுவருகிறது.”

SRI MOHAMED RAZA KHAN :—“Is it true that some of the heavy industries will come under the Government of India Five-Year Plan and not the Provincial Plan?”

THE HON. SRI M. BHAKTAVATSALAM :—“There is nothing like the Provincial Plan and the Government of India Plan. The Planning Commission have got a different allotment for heavy industries. That is what has been referred to.”

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Full fee educational concessions to poor students.

* 364 Q.—SRI MOHAMED RAZA KHAN : Will the Hon. the Minister for Finance and Education be pleased to state whether there is any proposal before the Government to extend the full fee educational concession to poor students studying in IV, V and VI Forms?

THE HON. SRI C. SUBRAMANIAM:—"No, Sir."

SRI MOHAMED RAZA KHAN:—"Sir, has the Hon. Minister's attention been drawn to a report published in the press saying that the Government are contemplating to extend these concessions to poor students studying in IV, V and VI Forms?"

THE HON. SRI C. SUBRAMANIAM:—"These are periodical speculations in the Press."

SRI G. KRISHNAMOORTHY:—"Have the Government arrived at the figure which would be required to compensate the managements in respect of the income foregone by the grant of concessions to poor students reading up to III Form ordered recently?"

THE HON. SRI C. SUBRAMANIAM:—"Not yet, Sir."

SRI V. V. RAMASWAMI:—"இந்தக் கோரிக்கையை அடுத்த வரவு செலவுத் திட்டம் தயாரிக்கும் போதாவது சர்க்கார் அனுதாபத்துடன் கவனிப்பார்களா?"

THE HON. SRI C. SUBRAMANIAM:—"எல்லா விஷயங்களும் அனுதாபத்துடன்தான் கவனிக்கப்படும். அத்துடன் பண விஷயமும் அதைவிட முக்கியமாக கவனிக்கப்பட வேண்டியதாக விருக்கிறது."

DR. V. K. JOHN:—"Will the Government consider the question of giving scholarships to poor and deserving students to continue their studies in the IV, V and VI Forms?"

THE HON. SRI C. SUBRAMANIAM:—"Even now there are scholarships available. Whether they should be expanded or not, will depend upon the money available for that purpose."

SRI MOHAMED RAZA KHAN:—"Am I to understand that such periodical publications are made in the Press without any basis and, if so, should not the Minister concerned issue another statement saying that there is no basis for the report published in the Press?"

THE HON. SRI C. SUBRAMANIAM:—"I am sure sometimes the contradiction also will appear as speculation."

SRI P. P. UMMER KOYA:—"Are the Government aware that the income certificates signed by the Members of the Legislature are being rejected on the ground that they do not have any office seal?"

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THE HON. SRI C. SUBRAMANIAM :—“ I have heard about that complaint, Sir. But, I do not think it is of any relevancy now because this year is over and they would have produced some certificate or other. The Government are examining the entire matter of income certificates, how it should be regularized, and all that.”

Major irrigation schemes in Ramanathapuram district.

* 365 Q.—**SRI V. V. RAMASWAMI :** Will the Hon. the Minister for Public Works be pleased to state whether any investigation has been made in regard to major irrigation schemes in Ramanathapuram district?

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—“ The answer is in the negative.”

SRI V. V. RAMASWAMI :—“ இப்பொழுது விவாதத்தில் இருக்கும் இரண்டாவது ஐந்தாண்டுத் திட்டத்தில் ஆலாடி, பம்பியார் திட்டங்களுக்காக ஒரு கோடி ரூபாய் ஒதுக்கி வைக்கப்பட்டிருக்கிறது. திருவாங்கூர்-கொச்சிப் பிரதேசத்தில் இருக்கிற ஆற்றுத் தண்ணீரை உபயோகப்படுத்துவதற்கான ஏற்பாடுகளை ஆராய்ந்துகொண்டு இருப்பதாக சொல்லப்படுகிறது. ஆலாடி, பரம்பி குளத்திட்டங்கள் எந்தெந்த இடங்களுக்கு உபயோகமாகவிருக்கும் என்று அறிய விரும்புகிறேன் ?”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—

“பரம்பி குளத் திட்டம் கோயம்புத்தூர் ஜில்லாவுக்கு உதவி அளிக்கக் கூடும். ஆலாடித் திட்டம் மதுரை, ராமநாதபுரம், திருநெல்வேலி ஜில்லாக்களுக்கு உபயோகப்பாடக்கூடியதாக இருக்கும். ஆனால் இந்த இரண்டு திட்டங்களும், திருவாங்கூர்-கொச்சி சர்க்கார் அனுமதி பெற்று அதற்குப்பிறகுதான் நிறைவேற்றப்படவேண்டிய திட்டங்கள். அதனால்தான் இப்பொழுது இராமநாதபுரம் ஜில்லாவிலே வேறு ஒரு திட்டமும் இல்லை என்று நான் பதில் கூறினேன்.”

SRI V. V. RAMASWAMI :—“ அது விஷயமாக ஏதாவது சீக்கிரம் ஒரு முடிவுக்கு வர ஏற்பாடு செய்யப்படுமா ?”

THE HON. SRI R. SHANMUGA RAJESWARA SETHUPATHI :—

“ ஏற்பாடு செய்யும் நோக்கத்தோடுதான் ஒரு கோடி ரூபாய் ஒதுக்கி வைக்கப்பட்டிருக்கிறது.”

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT BY THE HON. THE CHAIRMAN.

(1) MESSAGE FROM THE ASSEMBLY.

MR. CHAIRMAN :—“ I have to announce to the House that I have received the following messages, dated the 25th August 1955, from the Deputy Speaker, Madras Legislative Assembly :—

‘1. In accordance with rule 114 of the Madras Assembly Rules, I transmit a copy of the Madras City Tenants Protection (Amendment) Bill, 1955 as passed by the Assembly on the twenty-fifth day of August, 1955 and signed by me for the concurrence of the Council; and

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2. In accordance with rule 138 of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955)—

MOTION.

That the concurrence of the Legislative Council be obtained for setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members from the Assembly and 8 Members from the Council) to consider the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955) and that the following members of this House be selected to serve on such a Joint Select Committee:—

(1) The Hon. Sri C. Subramaniam.

(2) Sri N. Ramakrishnan.

(3) „ Y. Manjaya Shetty.

(4) „ K. P. Kuttikrishna Nair.

(5) „ W. J. Fernandes.

(6) „ S. Venkatrama Iyer.

(7) „ P. S. Krishnaswamy Iyengar.

(8) „ H. M. Jagannatham.

(9) „ P. Selvaraj.

(10) „ P. Jeevanandam.

(11) „ Kunhi Muhamed Shafee.

(12) „ V. Gopala Gounder.

(13) „ S. P. Thangavelu.

(14) „ S. S. Kolkeball.

(15) „ V. R. Krishna Ayyar.

(16) „ K. P. Gopalan.”

(2) ACT ASSENTED TO BY THE GOVERNOR.

MR. CHAIRMAN:—“ I have also to announce to the House that the Madras Appropriation (No. 3) Bill, 1955 (L.A. Bill No. 18 of 1955), which was passed by the Madras Legislature on the 9th August 1955 received the assent of the Governor on the 17th August 1955 and has been published as Act No. XV of 1955 in Part IV-B of the *Fort St. George Gazette*, dated the 24th August 1955.”

III.—GOVERNMENT MOTIONS.

(1) MOTION UNDER RULE 23 OF THE MADRAS COUNCIL RULES.

* THE HON. SRI M. BHAKTAVATSALAM:—“ Mr. Chairman, Sir, I move—

‘ That rule 23 of the Madras Council Rules be suspended and this House do resolve to transact Government Business on Saturday, the 27th August 1955.’ ”

DR. V. K. JOHN:—“ What is the provision for the next non-official day? Will a Government day be given as non-official day? ”

* THE HON. SRI M. BHAKTAVATSALAM:—“ Sir, as hon. Members are aware, we shall be adjourning to-morrow evening and we shall be meeting again about the 20th September 1955. During that meeting, we will have at least one non-official day.”

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MR. CHAIRMAN :—“ The question is—

‘ That rule 23 of the Madras Council Rules be suspended and this House do resolve to transact Government Business on Saturday, the 27th August 1955.’ ”

The motion was carried.

(2) MOTION UNDER RULE 21 (3) OF THE MADRAS COUNCIL RULES.

* THE HON. SRI M. BHAKTAVATSALAM :—“ Sir I move—

‘ That under rule 21 (3) of the Madras Council Rules, the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955), be taken up before the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955).’ ”

MR. CHAIRMAN :—“ The question is—

‘ That under rule 21 (3) of the Madras Council Rules, the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955), be taken up before the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955).’ ”

The motion was carried.

IV.—GOVERNMENT BILLS.

(1) THE CODE OF CRIMINAL PROCEDURE (MADRAS AMENDMENT) BILL, 1955 (L.A. BILL NO. 27 OF 1955).

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move—

‘ That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 Members (16 Members of the Assembly and 8 Members of the Council) to consider the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955) and that the following members of this House be selected to serve on such a Joint Select Committee :—

(1) The Hon. Sri M. Bhaktavatsalam.

(2) Sri K. Bhashyam.

(3) „ V. Bhashyam Ayyangar.

(4) „ V. Gurunandan Row.

(5) Dr. V. K. John.

(6) Sri T. M. Narayanaswamy Pillai.

(7) „ K. Balasubramanya Ayyar.

(8) „ A. Gajapathy Nayagar.’

“ Sir, I do not think I need make a speech on this Bill. This is for the purpose of creating a Sessions Court to try the criminal cases within the City of Madras. Now, these cases are being tried by the Original Side of the High Court and we want to bring the City also in line with the other parts of the State.

26th August 1955] [Sri C. Subramaniam]

Such a step has already been taken by the Bombay Government where also the Original Side exists. I do not think the West Bengal Government have yet made a move in this direction. By this we will be relieving one Judge at least in the High Court from the Sessions work so much so he will be able to attend to other work. After all crime within the City and outside the City is the same and there is no justification now in the present circumstances to have a special set up in the High Court for trial of criminal cases in this City. After drafting this Bill, hon. Members might have seen that the Criminal Procedure Code has been amended by Parliament. In view of that, certain consequential amendments have got to be made in our Bill. All these could be considered in the Select Committee."

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MR. CHAIRMAN:—" Motion moved—

'That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 members (16 members of the Assembly and 8 members of the Council) to consider the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955) and that the following members of this House be selected to serve on such a Joint Select Committee:—

- (1) The Hon. Sri M. Bhaktavatsalam.
- (2) Sri K. Bhashyam.
- (3) „ V. Bhashyam Ayyangar.
- (4) „ V. Gurunandan Row.
- (5) Dr. V. K. John.
- (6) Sri T. M. Narayanaswamy Pillai.
- (7) „ K. Balasubramanya Ayyar.
- (8) „ A. Gajapathy Nayagar."

* SRI K. BHASHYAM:—" Sir, the Government of the day has adopted a policy of relieving the jurisdiction of the High Court, because they have felt that the High Court has not been able to cope with the work on hand and because its work was too heavy. If this Bill is intended to facilitate the clearing of arrears of work that had accumulated in the High Court, certainly it is a welcome measure. The original jurisdiction of the High Court has already been reduced by increasing the jurisdiction of the City Civil Court to try all suits under Rs. 50,000. We have already passed necessary legislation in respect of that. When such a thing has been done on the civil side, this Bill is only a corollary to that, so that even on the criminal side, the jurisdiction of the High Court could be lessened. I would like to say one thing in this connexion.

" Even while we were discussing the Bill increasing the jurisdiction of the City Civil Court to try all suits under Rs. 50,000, I was referring to the difficulty of the practitioners practising in the High Court, the City Civil Court and the Small Cause Court. There are seven courts working and four of them are situated in

[Sri K. Bhashyam]

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the High Court compound itself; the other three are in the Small Cause Court buildings. Persons who are practising in courts in the High Court compound, have to run about and walk to the Small Cause Court, argue the cases there, and then walk back and ascend the stairs back to reach the High Court. The practitioners are thus experiencing a great difficulty, including the practitioners on the original side. I have made the request to the Bar Council, the Bar Association and to the Government. The request is to construct an overbridge connecting the Small Cause Court and High Court. I do not know whether that request has been accepted by Government or not. I would request the Hon. Minister for Law to do the needful in the matter, so that the present difficulties which the practitioners are now experiencing might be overcome.

"As I have already said, once we have passed legislation restricting the original jurisdiction of the High Court to suits of Rs. 50,000 and over, the present Bill is only a consequential one restricting the jurisdiction of the High Court in respect of criminal matters also. This is a natural corollary. I certainly do not object to the present Bill. I support it."

* DR. V. K. JOHN :—"I rise to endorse Mr. Bhashyam's suggestion and request that sufficient accommodation must be found in the High Court premises, when sessions work so far as the Madras City is concerned is transferred from the High Court Judge to a District Judge by the present Bill and some work dealt in the original side of the High Court is transferred to the City Civil Court. There is so much congestion and there is not sufficient accommodation for Advocates' rooms. I request the Hon. Law Minister to pay a visit to the High Court and see for himself the scarcity of accommodation there for practitioners. I do request him to make early arrangements to provide sufficient accommodation."

SRI K. BALASUBRAMANYA AYYAR :—"There is one point. In trials in High Court, the jury system is compulsory. In the mufassal, cases could be tried either with jury or assessors. There is difference between trial by a jury and trial by assessors. Even in cases tried in the mufassal courts, there is a section in the Criminal Procedure Code providing for trial by a jury. Trial by jury is a valuable right to the accused. That is what I feel. In the United Kingdom they have realized the value of trial by jury and that is why even in respect of civil cases, they are adopting the trial by jury and take their verdict. I want to know what the policy of the Government is with regard to the cases that are to be tried by the District and Sessions Judge, who is going to be appointed under the present Bill, for trying sessions cases arising in the City. Is the system of trial by jury or trial by assessors going to be followed here? Trial by jury is a valuable right of the accused. I want to know what the policy of Government is in this regard."

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* SRI A. GAJAPATHY NAYAGAR :—“ The question that has got to be faced is that there is no sufficient accommodation in the High Court buildings for all the practitioners. That is the difficulty. In the mufassal, the munsif court would be situated in one place and the sessions Court would be two or three miles away. So far as Madras City is concerned, practice is concentrated in the hands of certain individuals. That is my view. There are instances here wherein one vakil has got to argue a number of cases in a number of courts. Therefore in the interest of litigants and lawyers, it would be better if big advocates like Dr. John were to vacate the big rooms they occupy in the High Court, so that there may be enough room for the vakils to go about and argue their cases conveniently.”

SRI V. CHAKKARAI CHETTY :—“ It is a long time I have visited the High Court. I should visit it again to have glimpses of the moon, as Shakespeare has put it, to see what it is. If vakils are not able to move and walk to the Small Cause Court from the High Court, I am reminded of one big advocate who was once carried from one court to the other to argue a case, in a trolley because he was too fat and could not move about from one court to the other easily. I would suggest that if our vakils find it difficult to walk, the Hon. Minister for Law could consider the desirability of providing trollies for the vakils so that they could move about from one court to the other court, to argue their cases. The question of accommodation may thus be avoided or evaded. Trollies or some other conveyance may be thus provided.”
(Laughter.)

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, the Government are aware of the accommodation problem in the High Court and also in the City Civil Court and as I already stated when we were considering the amendment to the Civil Court Bill, the Government are considering the question of putting up necessary buildings there. Again, the question is one of finance and whether we could allot sufficient sums. Anyhow, this is under the active consideration of the Government and we hope to take a decision very soon.”

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“ With reference to the Jury system, it was prevalent in the mufassal apart from its being prevalent in the City; even now it is prevalent in the City. But after a good deal of experience, we found, far from its being a valuable right to the accused, it had proved a most valuable right to the jury men. Therefore, it was thought better to abolish trial by Jury in the mufassal. But I am quite aware that so far as the City is concerned it has been acknowledged by everybody that the Jury system has worked well. Some suggestion has been made that as far as the City is concerned, even though it may be the Original Side of the High Court which may function for exercising criminal jurisdiction, the Jury system must be followed. I am prepared to be guided by the members of the Select Committee and this matter can be thrashed out in the Select Committee. As a matter of fact whether it should

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be a statutory provision or whether it should be in the form of a power given to the Government or whether the Jury system should be followed by notification, all that we can discuss in the Select Committee. It has been proposed to have the Jury system applicable by notification. That can be considered in the Select Committee. So I think this motion can be accepted."

MR. CHAIRMAN :—" The question is—

' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 24 members (16 members of the Assembly and 8 members of the Council) to consider the Code of Criminal Procedure (Madras Amendment) Bill, 1955 (L.A. Bill No. 27 of 1955) and that the following members of this House be selected to serve on such a Joint Select Committee :—

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- (2) Sri K. Bhashyam.
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- (4) „ V. Gurunandan Row.
- (5) Dr. V. K. John.
- (6) Sri T. M. Narayanaswamy Pillai.
- (7) „ K. Balasubramanya Ayyar.
- (8) „ A. Gajapathy Nayagar.' "

The motion was carried.

(2) THE MADRAS CULTIVATING TENANTS PROTECTION BILL, 1955
(L.A. BILL NO. 11 OF 1955).

* THE HON. SRI M. A. MANICKAVELU :—" Sir, I move—

' That the Madras Cultivating Tenants Protection Bill', 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be taken into consideration.'

" Sir, I wish to bring to the notice of the House certain changes made in the Bill by the Joint Select Committee and the Assembly.

" In the definition of ' land ' any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy has been specifically included by the Joint Select Committee so that the cultivating tenant may also have protection against eviction from any site on which he may have been allowed to reside when the land was given to him for cultivation.

" The Committee considered whether a cultivating tenant who was in possession on 1st December 1954 should be restored under clause 4 of the Bill, if, after eviction, he is cultivating large extents of land elsewhere. The Committee decided that he need not be restored if, when the Act comes into force, he is in possession either as owner or as tenant or as both, of an extent of land exceeding 6-2/3 acres of wet or dry land irrigated from any Government

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source or 20 acres of dry land not irrigated from any Government source. The landlord cannot also be dispossessed by the old cultivating tenant, if the total extent held by the landlord was less than the extent mentioned above and if he did not also have any other substantial occupation as evidenced by the payment of sales tax, profession tax or income tax during 1953-54 or 1954-55. The old cultivating tenant in possession on 1st December 1954 can, however, displace a new cultivating tenant inducted on the land afterwards, if the old tenant is not in possession of any land or is in possession of less than 6-2/3 acres of wet or 20 acres of dry land and the new tenant is in possession of more than that extent. Clause 4 (2) was suitably amended.

“ Another major amendment made by the Joint Select Committee is the provision in clause 3 (4) under which a tenant who has not paid the arrears within one month as provided in the Bill, or who has been guilty of the acts specified in clauses 3 (2), (b), (c) and (d) can be evicted only on application to the Revenue Divisional Officer and this Officer can grant such further time for the payment of arrears as he considers just and reasonable having regard to the circumstances of the landlord and tenant. Provision was also made for excluding the jurisdiction of civil courts and to place the rules made under the Act before both the Houses of the Legislature.

“ The Legislative Assembly considered that the Bill need not apply to lands to which the Tanjore Tenants and Pannaiyal Protection Act does not apply. The proviso to sub-clause (2) (iii) of clause 1 was accordingly omitted.

“ It is likely that it may not be possible for a Revenue Divisional Officer in an area to cope with the work and it may become necessary to appoint an additional officer even in places where there is a Revenue Divisional Officer. Hence the words ‘ where there is no Revenue Divisional Officer ’ in clause 2 (f) of the Bill as amended by the Joint Select Committee were omitted.

“ Under clause 4 (2) (ii) as amended by the Joint Select Committee one of the conditions which a landlord should satisfy in order to be eligible for exemption is that he should not have any other substantial occupation as evidenced by the payment of sales tax, profession tax or income tax during 1953-54 or 1954-55. It was considered that a similar restriction should also be imposed in the case of the cultivating tenant under clause 4 (2) (i) and that clause has been amended accordingly.

“ The Legislative Assembly also amended clause 4 so that the cultivating tenants who were in possession of any land on 1st December 1953 and who were not in possession thereof at the commencement of the new Act might get the benefit of restoration. The date 1st December 1954 occurring in clause 4 of the Bill was accordingly changed to 1st December 1953.

“ These are the amendments made in the Bill as originally published by the Joint Select Committee and the Legislative Assembly and I think that they will be acceptable to this House.”

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MR. CHAIRMAN :—“ Motion moved—

‘ That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be taken into consideration.’ ”

SRI K. BALASUBRAMANYA AYYAR :—“ Sir, I am really depressed to find that after the consideration by the Select Committee when the matter went to the Assembly a change had been accepted in the crucial date for restoration of possession, namely, from 1st December 1954 to 1st December 1953. How much it will affect the people has not been considered. Many transactions would have taken place between these two dates. It is difficult to say who were in possession of land either as cultivating tenants or as ryotwari proprietors. Therefore, when the Government originally fixed the date as 1st December 1954, they would have carefully considered this matter; and the Hon. Revenue Minister is a person who generally carefully considers these matters. And so he had adopted 1st December 1954 as the date on which should be based any restoration. Sir, even in the Committee both the Hon. Revenue Minister and the Hon. Finance Minister were firm that it should not be changed when Sri Ramamurthi was vociferous in demanding that it should be changed to 1st December 1946. That was his proposal, because there was according to him some agitation and it seemed landlords were evicting the tenants then. It is not a correct statement at all. So far as I know, in Tiruchirappalli district, nobody ever evicted any tenant from 1946. The tenants have been continuing all these years from year to year, for the agricultural lease is given every year. Never have they been evicted. All these things are because of the recent agitation. I have stated that in the Select Committee also. The tenants not only by themselves but also because other prominent people took part in it, started an agitation. I have got copies of notices issued by big Associations that meetings would be held under the auspices of those Associations for the purpose of carrying on agitation and because of that all these things have happened there. It is wrong to say that the landlord is evicting the tenants in anticipation of the land reform. The anticipation has been on the part of the tenants (and not at all on the part of the landlords) that they (tenants) can become the owners of the land immediately and therefore they have been carrying on this persistent agitation. Even police protection had to be sought by many of the proprietors. These things are of common knowledge to our people and I trust it will also be known to the Members of the Assembly and the Council. Therefore it is I feel very much depressed that the date ‘ 1st December 1954 ’ should have been changed even after the Bill has gone through a Joint Select Committee. The change was effected at the last minute, even after it was declared rejected on a vote by voices. That is what I found from the newspapers. Therefore it is I feel that we are in very uncertain waters. The Bill may be passed into law and even after that there may be changes. The date may be changed from 1st December 1953 to 1st December 1952 or even to 1st December 1946,

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as the Communist Member wanted it, because I find that their propositions are much more accepted than the propositions of others. That is my impression. I am sorry to say all this and I have to say this because I feel I represent a very good peasantry population of ryotwari proprietors. Most of them are very peaceful, contented and good. I am glad that our trusted and venerable colleague Sri O. P. Ramaswami Reddiar is here to-day. These things could have been done in a better way. Therefore it is I say that the last minute change altering the date from 1st December 1954 to 1st December 1953 is not correct. 3

“ There are also some minor changes effected in the Bill. I do not want to take up the time of the House. I have got some amendments to be moved. There are certain consequential amendments which have to be made. It is stated that the Act shall not apply to a cultivating tenant who is in arrears with respect to the rent payable to the landlord subsequent to 31st March 1954. But if a cultivating tenant was in possession on 1st December 1953 and has been in arrears from 31st March 1953 onwards, there is no provision for that. The landlord cannot recover the rent from him. If the date 1st December 1953 is accepted, the other clauses should also have been changed. I do not want any favour to be shown to ryotwari proprietors. The Government are there for the purpose of holding the balance evenly and seeing that justice is done to both parties. I appreciate that attitude. This important change made at the eleventh hour in the Assembly shows that there is some state of nervousness on the part of the Government still. The ryotwari proprietor is as much important as the cultivating tenant in the agricultural economy. The hon. Member Sri O. P. Ramaswami Reddiar rightly mentioned that only 14 per cent are tenants. The rest are all cultivating ryotwari proprietors. The definition of the term ‘cultivating tenant’ here differs entirely from the definition given in the Tanjore Tenants and Pannaiyals Protection Act. Here it is stated ‘a person who cultivates by his own labour or by hired labour under his supervision and control’. Practically he is an intermediary. Many of the lessees do not cultivate themselves. There are other cultivators. They are exactly in the position of ordinary ryotwari proprietors. Why should a preferential treatment be shown to the cultivating tenants over the ordinary ryotwari proprietors? The word ‘tenant’ makes them the ‘prize-boys’ over other people. It cannot be so, so far as ryotwari system is concerned. Tenancy plays a very small part in the whole system. That is why I have been pleading that the cultivating tenant here should be in the same position as that of a ryotwari proprietor. Most of the lessees are rich people. They themselves own lands and they are also lessees of other lands. Why should they be favoured in preference to the ordinary ryotwari proprietors? A

“ Sir, I have got some amendments. I shall refer to particular points when I move them.”

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* SRI K. BHASHYAM :—“ Mr. Chairman, Sir, in view of the land reforms that are expected, some interim steps have to be taken by the Government. According to them, the tenants are being evicted wholesale in various parts of the State. Of course, the question is whether they should undertake legislation in respect of any local troubles, unless those troubles are fairly prevalent so as to call for a legislation applicable to all the districts. So far as we know, the question of eviction has been prevalent mostly perhaps in Tiruchirappalli and Tirunelveli districts. Therefore, Sir, to undertake a legislation on a State-wide basis is wholly unnecessary and will lead to complications. If we want to interfere with vested interests, it leads to complication because they fight. I refer not only to the landlords but to cultivating tenants also. Under the Bill which we have got before us, the cultivating tenant, who was in possession on 1st December 1953, is protected. Why should there be this partiality in favour of the cultivating tenant who was in possession in 1953? Suppose if a person has been in possession after 1st December 1953 and if he is a landlord's tenant, why should he not be protected? Why should some favour be shown in respect of a person who has been in possession in 1953 and has been evicted for some definite reasons? Therefore it is I say that this partiality in favour of the tenant who was in possession on 1st December 1953 is not fair or equitable even as against the various cultivating tenants. The change made by the alteration of the date from 1954 to 1953 takes in more cultivating tenants than the original Bill did. Therefore, the question of the crucial date being changed from 1954 to 1953 is a very important matter which cuts into the fundamentals of the Bill itself. The crucial date is the life of the Bill and if it is changed, I would certainly ask the Government to have it republished and get the opinions of those who are affected by this change. I feel that it is not the landlord alone that is concerned. The representations of the numerous cultivating tenants who have taken lands for cultivation from landlords in 1953-54 must be heard, because the Government say they are anxious to protect the cultivating tenants. While they are anxious about the cultivating tenants of 1953, why not they be anxious about the cultivating tenants who were in possession in 1954 and who came after 1st December 1953? The idea is to give the land to the landless and the tiller. My submission, therefore, is that it is unnecessary to make this change in the crucial date as it will lead to great complications. Unless you hear the representations of those who have been let into possession by landlords after 1st December 1953, it will not be fair to those persons to undertake this legislation and go on. I submit that this question must be held over and representations invited from that class of people. .

“ Apart from this, as this question of protection to tenants from eviction is purely a temporary measure, we thought it may be quite all right. That is why we accepted it. When you put the date back by one year, the tenant must be made liable to pay the rent in arrear for two years. The principle is changed

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and now we are asked to give our support to a Bill wherein the original principle, which we accepted in the best interests, is completely thrown overboard and a new principle is inserted. On account of this important change, this Bill should have been held up for the purpose of being republished or for eliciting the opinions of those affected thereby. Apart from this, the idea of the Government is that the land must go to the tiller. I am asking the Government whether under this Bill they intend to help the actual tillers of the land or help the middleman who has been in possession of the land in 1953 or 1954? Of course there is the limit of 6-2/3 acres. If there is a person owning only two acres of land and there is another who, as a business proposition, is getting two acres each from so many persons, is the latter person to be protected, because he is only a middle man? He is really not the tiller of the soil. Therefore the Government must make a distinction between a tiller and a person who is merely a lessee, and who is cultivating the lands by hired labour. I do object to the definition of the word 'land'. The definition of 'cultivating tenant' as one 'who cultivates by his own labour or by that of any other member of his family or by hired labour under his supervision . . . ' cannot be there. This is a departure from the principle accepted by Government, when we passed the Tanjore Pannayals Act. This is a fundamental matter to be looked into by the Government. We say that the benefit should go to the tiller, but we are not actually helping the tiller. We are ennobling ryotwari pattadars into zamindars. We are giving tenants the occupancy rights. I ask whether it is necessary to do. Then, Sir, I ask, who are the tenants sought to be protected? Suppose a person, under the terms of an agreement, goes away giving up possession of land and is excused to pay the arrears of rent, is he again to be given possession of land under a fresh lease? He has already gone out and he did not pay the rent. He got the benefit of this remission from the landlord. Only then he surrendered possession of the land. Now is that man, who already had the benefit of being excused to pay the arrears of rent, to be brought again and given possession of the land to commit further defaults? Does this man require any consideration at all? The Courts are giving time to tenants for payment of rent. Even if there had been a decree for evicting the tenants for non-payment of rent, the Government interfere and want to restore the tenant to possession of the land. In spite of Court decrees the persons who are in default are to be protected. There must be some sort of reason and equity in this matter of protection. We cannot protect persons who are defaulters everywhere. Therefore, I submit this protection is too wide and too comprehensive to be rational or even fair. We say that tenants who had been in possession of lands in 1953 are to be protected. The tenant is liable to pay rent accrued after 1st March 1954. What about the rent for 1953? There was some fear in the mind of the tenant that, if he did not pay the rent, he would have to go. Now the Government have taken away that fear. If a tenant is in arrears in respect of rent for 1953, it cannot be recovered from him. The

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tenants, according to the Government, are not rich people. They must get their income only out of the land. If we want to restore the tenants who were in possession of lands in 1953, we must also make provision for recovering the arrears of rent from them for the years 1953 and 1954. Recovery of rent alone should not be restricted to 1954. Originally it was proposed that persons in possession of lands on 1st December 1954 should be restored. Now the date is put at 1st December 1953. Therefore, the tenants who are in arrears for two years should be required to pay rent for these two years and not for one year alone. This is only logical. I do not know what induced the Government to put the date at 1st December 1953 and what the pressure was on them. Is it the Communist pressure that made them accept it, I do not know. Even December 1954 was an arbitrary date. Anyhow we accepted that date, because the Government in their wisdom did it. But why change that date again to 1st December 1953, I am not able to understand. This fundamental change in the Bill is wrong.

"Then, Sir, I come to the removal of the jurisdiction of courts—an old tale. One result of taking away the jurisdiction of courts is this. I do not know whether the Government realize this fully. The more tribunals they create in this country, the more writ petitions are filed in the High Court. I find now in the High Court there is one Judge specially set apart for hearing writ petitions all through the year. On the one side we want to reduce the work of the High Court. But if we go on creating tribunals more and more, the clients find it easy to put in applications costing Rs. 50 or Rs. 60 and get the work done instead of having to go to the courts as parties in suits. The work is made easy for the clients. But the jurisdiction of the ordinary courts is taken away. In respect of protecting tenants, who are not entitled to protection, and other matters, the jurisdiction of courts is taken away. I respectfully submit that in the original Bill the jurisdiction of courts was not removed. The Joint Select Committee at the last moment by an amendment removed the jurisdiction of courts. The Bill in its original form was not acceptable and in the Joint Select Committee stage it was still more not acceptable, and finally when it has come to this House in its present form, it is most unacceptable."

* SRI A. GAJAPATHY NAYAGAR:—"Mr. Chairman, Sir, this Bill is a simple Bill to give protection to tenants who have been evicted from lands on condition that they pay one year's rent. If a man pays one year's rental, he is saved from eviction. If the poor tenants cannot pay the full rent, the court will now give relief to the tenants. The date of eviction was fixed at 1st December 1954 originally. In the Joint Select Committee I said that the court could give relief to the tenant if he was recently dispossessed by the landholder. That is the law. The remedy given in the Act is a summary remedy. A man dispossessed of his tenancy can come before six months and ask for possession.

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One year's time from 1st December 1954, was found to be a long time. But then the other Members in the Committee felt that protection to tenants evicted from 1st December 1954 might not give adequate relief. They wanted the date to be put at 1st December 1953. Some others wanted the date to be taken to 1946. But now that the Government have been persuaded in the Assembly to adopt the date 'December 1953', my humble suggestion is that 'December 1954' does not give adequate relief. But, if the Government as a measure of compromise adopt the date 'July 1954' instead of 'December 1953', I think it will be satisfying both parties because 'December 1953' does not begin with cultivation. The cultivation season in our parts is July-March. Therefore, if the Government want to give relief, they can give relief from July 1954 so that both purposes will be served. There will be summary remedy and there will be chance of only one tenant being evicted. If we take the date further back, there will be the chance of more than one tenant coming into possession of land and so if it is 'December 1953', it would be rather difficult to decide. Therefore, if we want to put into possession the man who was actually in possession, please have the date 'July 1954'. That will be a convenient date. In our parts, the cultivation season begins in July. Therefore, relief must be given to tenants by changing it to 'July 1954', and the Government may also satisfy other friends of the Assembly by this amendment, i.e., eviction from July 1954. I hope my hon. Friend Sri O. P. Ramaswami Reddiar will also agree with this."

* SRI T. M. NARAYANASWAMY PILLAI:—“Sir, my friend Sri Balasubramanya Ayyar objected to the change of the date to 1st December 1953. There were three dates which appear to have been before the Assembly, namely, 1946, 1953 and 1954. 1954 was the date which originally appeared in the Bill. 1946 was too far back and evidently the Government could not accept it. The case for the tenants appears to be that some landlords, though not on an extensive scale, began to evict, rather than to take lands on their own personal cultivation apprehending that if they continued the tenants, rights of occupancy would be vested in the tenants under the new reforms. I know of some cases where such a kind of practice has been resorted to. It is not strictly eviction if a person owning a large extent and cultivating it by leasing it to several tenants takes back the lands for personal cultivation. Now, in 1946, the Congress Government published their programme and somehow it got into the air that people who were tenants would be given occupancy rights. This made the landlords apprehensive and therefore they thought that it would be better in their interests not to lease the lands but to cultivate them personally. That is why, perhaps, some of the Members wanted to go back to 1946 when the Congress published their programme. But in 1952 came the Tanjore Tenants and Pannaiyal Protection Act. Just as the Congress programme in 1946 raised apprehensions in the minds of the land owners, similarly, the enactment

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of this Act caused apprehensions and then also people began to take away lands from the tenants and began cultivating the lands themselves apprehending danger in the future if they allowed the tenants to cultivate. Therefore it is that the date 1st December 1953, which came immediately after the passing of the Tanjore Tenants and Pannaiyal Protection Act, came to be adopted in the Assembly. But, I am not pleading for supporting the action of the Government. Rightly or wrongly, those facts were before the Government at the time they published the Bill. They did arrive at the decision that 1st December 1954 was the proper date. Having published that in the Bill and having accepted it even in the Select Committee, it is really not fair to the other side to spring a surprise and accept all of a sudden the date 1st December 1953, whatever justification there might have been originally. If once you accept 1st December 1953, then some consequential changes also ought to have been made. The whole principle of the Bill is this. Suppose, there is a cultivating tenant who is *bona fide* and pays his rent, he ought not to be evicted by the landlord merely because he apprehends that some bad law is going to be made in future. Therefore as Mr. Balasubramanya Ayyar pointed out, if we change the date to 1st December 1953, we must also provide for eviction of a tenant who fails to pay the rent on and from 1st December 1953. Otherwise, it will mean that the man who failed to pay the rent in 1954 will be evicted but the man who failed to pay the rent due on 1st December 1953 will escape. That is not what we really intended. Of course, it was a last minute acceptance of a compromise. The Government could not have had the time to gauge the effect of the acceptance of the compromise and the subsequent provisions.

“ Sir, this is what we are concerned with at this stage. It cannot be said that this Bill is not necessary. Of course, a person like me, who wants to take a dispassionate attitude and not to take either the side of the landlord or that of the tenant, would very much have liked if our landlords and tenants could have got on amicably as they had been getting on in times of yore. But, certainly changes have taken place. The agricultural economy has been disturbed. Some landlords have taken it into their heads that tenants, if they continued to be in possession, would be given permanent occupancy rights and therefore they had begun to evict them. Especially, they did so in the beginning of this year. People say that this has happened only in the Tiruchirappalli and Tirunelveli districts and therefore there is no need for Statewide legislation. As a matter of fact, this aspect of the matter could have been prevented when the Tanjore Tenants and Pannaiyal Protection Act had been passed. Therefore, I for one, would think that there is need for a Statewide legislation in a matter of this kind. After all this Bill is limited in its scope. When disputes have arisen we go to a court. The court grants an interim injunction, just to maintain the *status quo ante*. This Bill is not conferring any solid right on the tenants or depriving the

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landlord of any right. This is only a temporary measure, preventing the eviction of cultivating tenants. It says, if the landlord has a tendency to evict the tenant, 'do not evict the tenant'. At the same time, the landlord is entitled to evict the tenant if he puts the land to some use other than that to which it was first intended to be put. There are other clauses also safeguarding the interests of the landlords. It is said that the tenant should be a bona fide person. Otherwise the whole system of agriculture will get disturbed. The stability between the landlord and the tenant will be disturbed. After all this does not apply to a tenant or landlord who cultivates less than 6-2/3 acres. Similarly in the case of tenants, it does not for a moment contemplate the tenants coming and committing trespass on the land. This Bill does not give such permission to the tenants. It gives permission to the cultivating tenant to continue his cultivating operations and says that he would not be evicted, except for reasons specified under clause 3. Therefore, taking the psychological climate and atmosphere and the strained relationship existing between the landlord and the tenant in some parts of the State, it is but right that this legislature takes cognizance of it and provide for this temporary legislation preventing the eviction of tenants, who were cultivating the land on 1st December 1953. To that extent, I welcome this measure. I am not here concerned whether the Government are going to fix a ceiling on holdings or whether they are going to give permanent occupancy to the tenants or anything like that. It is not the object of this Bill. There are landlords owning 6-2/3 acres and less and there are tenants who are trying to have more than 6-2/3 acres. With this limited scope in view, I welcome a temporary measure of this kind."

* DR. V. K. JOHN:—"Mr. Chairman, Sir, the opinions I express on this Bill are my own and not that of the Opposition. I find opinions are divided even on the side of Government. I feel strongly that this Bill does not reflect credit on the Government. It is stated that this Bill is only for one year. This Government believe that this will be in force for one year. When they enacted the South Kanara Cultivating Tenants Protection Act which prevented the eviction of tenants in South Kanara, it was a simple Bill and there were only two or three sections there. But here in this Bill, you have got provisions for the procedure to be followed for resumption of land, for eviction of tenant, etc. But this procedure could never end in one year. I do not think this Government are bona fide in providing for only one year for this Bill. It is only a ruse just to give a sort of calmness in certain quarters. This Government have been saying for many years that they would bring in a comprehensive measure of land reform. Ours is an agricultural country. The question of 'agrarian reform' had been under the consideration of Madras Government ever since 1946, when they passed a Bill for prevention of eviction of tenants. But still they have not brought any comprehensive legislation. I find at least in Bombay, they have now brought forward a measure, a comprehensive measure, of agrarian reform.

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But our Government want to put off that evil day. They have no mind of their own. They want to please both the landlords and the tenants. But I say, as was indicated by Mr. Balasubramanya Ayyar in his speech, Government are now walking along with the Communists. They are actually trying to please the Communists by accepting some provisions which the Communists have indicated. The reason is because the elections are nearing and they do not like the Communists to have much strength in the State. From the way in which this Bill has emanated from the Select Committee and the Assembly, I find that many changes have been made in the Bill to please the Communists and follow their way of thinking. The Government could have brought forward a comprehensive legislation instead of tinkering with this problem and introducing this Bill in this way and saying that it would be in force for only one year. I ask the Government here and now (and I hope the Hon. Minister will give a reply) whether their bona fide intention is that this Bill should be in force for only one year. I ask the Government whether it is not their intention even now, to bring in another Bill next year to extend the life of the present Act for one or two years more, or is it their intention to bring in a comprehensive measure of agrarian reform in the course of one year from now on. I am sure that next year, Government would come in with another Bill extending the life of the present Act for one or two more years. At that time I will read from the official report of the Legislative Council this portion of my speech and the reply of the Hon. Minister then who assured us to the effect that this Bill would be only for one year. I say it is not for one year. You have the object now of preventing eviction of tenants, and then bringing in a measure which will reduce the rent—reduce the rent in such a manner that the landlord will no more exist. You provide in that Bill that the landlord will get as much as the Government would get in the shape of kist. It is better if the landlord relinquishes his ownership and walks away. Then you do not want any measure of land reform at all. There must be something of that kind.

“ I say, Sir, in any question of land reform you should not look at the interest of the landlord or the interest of the tenant. You must look at the interest of the community as a whole and the one major object in any question of agrarian reform should be to produce the largest output from the land. You must also distribute the land as widely as possible taking into consideration that if there be uneconomic units, co-operative cultivation should be introduced. You should follow the principle which all civilized countries have followed, viz., that the tenant should not be exploited and the landlord also should not be expropriated. It is a very easy measure of reform by which the cultivating tenant could be made to claim the ownership of the land, by paying in instalments (spread over many years) the market value of the land. The relationship between the landlord and tenant, according to eminent economists, is economic waste. In any question of land reform you must make the cultivating tenant (not the intermediary)

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become the owner of the land he cultivates. I find the Bombay Government is making a provision for conferring the ownership of the land on the cultivating tenant, viz., the tenant who cultivates the soil, I mean the tiller of the soil. In doing so you should not expropriate the landlord. As I pointed out in my notes in the Select Committee report, a reform was introduced in Germany whereby ownership passed on to the tenants on their executing a bond, charged on the land, and guaranteed by a co-operative society. It was a bond chargeable in the market at any time and it carried 5 per cent interest. It was stated that the tenant should pay the market value of the land to the landlord before he became the actual owner of the land. The Government need not spend any money in purchasing these lands, as they did in the case of zamindari abolition. Those who are benefited must pay and if the tenant is benefited, he must pay; he must execute a bond. The landlord may either keep the bond and receive interest or he may sell it in the open market. If it is a joint Hindu family property all the laws applicable to it will apply here also. The Government need not spend one rupee in purchasing land. What is the difficulty in accepting a measure of reform which will make the cultivating tenant, the owner of the soil in the manner in which I have suggested? There is no difficulty at all, unless the Government want to expropriate the landlord by not paying the landlord the market value. Why should they do that? Either they want to do that or they do not understand the experiment which was made in Germany and accepted in many other parts of the world. Sir, you know the French people are a very emotional people. Still, why is it that Communism or Bolshevism did not take root in France? It is because of the introduction of this agrarian reform making the cultivator the owner of the soil. There are some five million owner-cultivators in France owning one acre, two acres and so on. All over the civilized world, this measure of reform has been accepted and introduced. I am very pleased that Bombay has now introduced a Bill which makes the tenant-cultivator the owner of the soil. But that is not enough.

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“ As it was pointed out earlier, in those areas to which this Bill applies, there are about 14 per cent of tenants. In Malabar that is not the case for there is not much pressure on land. Now in those areas where 14 per cent are tenants, to make them the owners of the soil, the proprietors of the soil, alone will not solve the problem in those areas. There are landless persons; we must be able to put those landless persons on land as proprietors; not only put them on land, but ask them to execute a bond and also assist them financially and with advice to cultivate the land which is given to them. That is what is called rehabilitation of the poor families, the landless families. Therefore I submit that what the Government should have done is to introduce actually a comprehensive measure or agrarian reform. I personally think that this Bill is uncalled for; it will only produce litigation and create

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bad relationship between the tenant and the landlord; there will be agrarian discontent and unrest. Probably the Communists want it. I do not know whether the Congress party is keen on fomenting this unrest by this Bill which when passed into law will only multiply litigation and sever the good relationship between the landlord and the tenant. We could have waited for a few months and not have introduced this Bill. I say here and now that apparently it is not the object of the Government to introduce a comprehensive measure of agrarian reform; and just to give an impression that they have done something, they have introduced this Bill for one year, a temporary measure, with many complicated provisions which can never be implemented if proceedings are started in a Court of Law. I personally think that this is not the way a good Government, a strong Government, a wise Government should act; they must act boldly and they must have brought in legislation as the Bombay Government have done. I ask, Sir, this Government at least now to get busy to bring in a comprehensive measure of reform which will be acceptable to all parties concerned and which will achieve the object of producing the maximum from the land. I hope that the Government—let me express the hope and wish—will not tinker with this problem of agrarian reform any more, but will bring in something which will be good, which will be acceptable to all people and which will achieve our object."

* SRI A. M. ALLAPICHAI :—" Mr. Chairman, Sir, when the Hon. Minister for Revenue moved this Bill I never thought of speaking at all. But soon after the speech of the hon. Member, Dr. John, I feel I should speak. Mr. Chairman, friends like Dr. John, I should say, are the greatest friends of the Communists. They feel that they are supporting the landed class. Certainly not. Their extreme views are the greatest possible weapons in the hands of the Communists. On the other hand, we Congressmen, though dubbed sometimes by the Opposition as the friend of the Communists, are the enemies of the Communists. Because, our object is to avert a disaster, an avalanche and a catastrophe. But our friends without realizing that, without seeing the writing on the wall as clearly as they should, say and think just like some people of France just before the Revolution. What was the result? The result was a Revolution. We want to avert a Revolution. I am not talking in a tall fashion. We have to see the writing on the wall . . . "

DR. V. K. JOHN :—" Has the hon. Member seen the writing on the wall? And may I know what it is? "

* SRI A. M. ALLAPICHAI :—" That is what I am going to say. We have to see the great endeavours being made by a great Saint, a big gentleman in our country regarding the distribution of lands. It was said that it was nothing but sharing the poverty of our people. Surely, yes. It is much better to share the poverty

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of the poverty-stricken than not share the prosperity of the rich. Now we have to see what this Government are doing. No doubt the landlord may be affected. Not to a great extent. We have to see the whole thing not from the point of view of the landlord alone, not from the point of view of the poor peasant alone or the cultivating tenant alone; we have to see that these are our people and we have to adopt a middle path. I have always been saying in this House that the Congress Party has been wedded to a middle course, a policy not of this extreme or that extreme. I have always maintained on the floor of this House that the Congress organization has been wedded to a middle path. Now, what has been done in this little Bill? Suppose some small money is taken away by the tenant, what harm is there? Do we not give lakhs and lakhs of rupees by way of charity sometimes? What does it matter if some landlord is affected to the extent of Rs. 500 or Rs. 1,000. After all, the money goes to the tenant who is our own countryman. The earth or land is not the creation of the landlord. The things under the earth are not created by him. No one claims any share in the sea. Suppose a man goes and catches some fish, he becomes its owner. What do our Government say? They say 'We shall respect the rights of the landlords. At the same time we shall also recognize the rights of our tenants. We shall see that our poor people are not deprived of the good things in life. My friend Dr. John says that we are an uncivilized Government. If we are talking like that, how does it help matters?' (Interruption by Dr. V. K. John.) I beg to submit that we have to take a fair view of things. Let us not be moved by materialistic considerations. There is a provision for spending crores and crores of rupees on public health in our State. We are spending lakhs of rupees on medicine. Why should we help our poor people in the hospitals? Similarly, when a man is financially poor and when he deserves our sympathy, should we not help him? Instead of doing that, why should we say 'This is our right. We shall have our pound of flesh'. Let not anybody think that I am attacking anyone. We must realize all these things. Otherwise, we are in great danger. The Congress organization and the Congress Government are doing their best to avert a danger or a tragedy. If the Government were in the hands of persons like Dr. V. K. John, the next day there will be a revolution in this country. (Sri O. P. Ramaswami Reddiar : 'He may change his views!') (Laughter.) Our leader says that he may change his views. After all, the landlord may be affected to a little extent. The money is not being thrown into the Bay of Bengal or is taken away by the Britisher. Even if it is taken away by some human being, what harm is there? The tenants are our countrymen. Let us not think like the proverbial Shylock. We are a generous people. Our tradition has taught us how to be generous. We have given lakhs of rupees to temples, churches and so on. We give so much by way of charity. Such being the case, why should we be arguing in this fashion? If the hon. Member Dr. John goes on talking like that, everyone of his arguments will be used by the Communists against us and he will be

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the greatest friend of the Communists. We are their great enemies, because we do our best and see that the country is not drenched in blood. (Interruption by Dr. V. K. John.) What harm is there if we share things? Suppose the hon. Member has got plenty of money and I share the money with him. What harm is there?" (Laughter.)

* SRI G. KRISHNAMOORTHY :—" Mr. Chairman, Sir, I wish at the very outset to assure the Hon. the Deputy Chairman that hon. Members sitting on this side do not fall below the hon. Members on the other side in respect of philosophy or charitable mood. We want only that certain things should be done by the Government according to law and we are now concerned with the form of the Bill that has been laid before us for our approval. If the scope of this Bill is to give permanent security to the tenant in order to increase production and in order to make our country more prosperous, I would be the first man to approve of this measure; but this measure seems to go a little beyond that.

" Now, an intermediary, who is neither a cultivator nor a tenant, has been defined as a 'cultivating tenant' in this Bill. The cultivating tenant, as defined here, is none but a pure intermediary. He is expected to have this name and to claim benefits to be conferred on him by the Government under this piece of legislation if he conducts agricultural operations with hired labour under his supervision. A person who takes to agricultural operations with hired labour under his supervision is no better than an intermediary and somehow or other the Government have thought it fit that he should get more benefits than the owner of the land. Hon. Members may just infer from the example that I am going to give now, what will be the effect of this legislation on certain persons.

" Suppose some poor clerk, who gets some three or four thousand rupees by way of gratuity or provident fund on the eve of his retirement, invests the amount and purchases two or three acres of land. This is within the limit of 6-2/3 acres prescribed in this Bill. He might have leased out the land to some person, to be called the 'cultivating tenant' under this Bill. Suppose this cultivating tenant was in possession of the land on 1st December 1953. Now, if this poor clerk, a petty officer who drew only below Rs. 100 per month and was able to get a few thousands of rupees by way of gratuity or provident fund, wants to go back to his village and take up the cultivation of the land himself, this Bill does not allow him to do so, because it says that if the person is assessed to profession tax, he is not eligible to do that. I wonder how the Government thought it fit to place on a par these three categories of persons, namely, the person assessed to sales tax, profession tax and income-tax. Any person getting a salary of about Rs. 50 has to pay profession tax. A merchant whose turnover is above Rs. 10,000 has to pay sales tax and if a person gets an income of Rs. 350 or more, he has to pay income-tax. The petty clerk is

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being classified along with a big merchant who pays sales tax or a big zamindar or some other investor who pays income-tax. How is this proper? This Bill prevents him from taking back his own land and claiming to be the owner of the land in accordance with Article 19 of the Constitution, the fundamental right given to him. According to Article 19 (1) (f), he has got the right to acquire and dispose of property. According to Article 19 (1) (g), he has got the right of following any particular avocation or doing any business. Here this Bill aims at linking both and saying that if a man has a particular profession, he is not eligible to acquire and dispose of property as he pleases. This Bill is said to be the first instalment of the series of land reforms that the Government have under contemplation. The next Bill has been announced to be with regard to fixation of fair rent. This is the thin end of the wedge. Now we find that poor persons who have got an extent of land below 6-2/3 acres are not eligible to resume their land or to hold that land, simply because they pay some profession tax. If a petty clerk's profession makes him pay profession tax, and if he wants to leave his profession and resume his lands for cultivation, I do not see any provision in the Bill enabling him to resume his lands. If that petty clerk leaves his profession and wants to resume his three acres of land, will he be eligible to resume that land or will his tenant claim that land to be his because he was the tenant that cultivated the land on the 1st December 1953? My humble appeal to the Government is that the words 'profession tax' should be removed from the provisions of the Bill. If the Government really think, just as the Hon. Deputy Chairman who spoke before said, that rich men should part with their rights for the sake of helping the poor people, persons paying income-tax may not be allowed to resume lands. But if it is a question of people owning two or three acres of land being asked to part with their lands because they pay profession tax, I say it is not correct. Somehow or other the owner of the land has been given the big name of landlord. Any man is just apt to think that he is a big landlord. He is not a landlord at all. He is only a land-owner. And the person who neither cultivates nor is a tenant is given the name of cultivating tenant. He is really an intermediary. Now A leases his lands to B. A is the owner of the land. B is the lessee. But according to this legislation, he is the cultivating tenant. Really the cultivating people are persons from C to Z, namely 24 men. In every agricultural operation 24 people are required for each acre of land either for ploughing or for harvesting or for any other operation. These 24 people are the tillers of the soil. Are the Government benefiting these twenty-four men? They want to benefit only B, who is no more than a lessee. How is it that the sympathy of the Government has pounced upon the lessee to call him the cultivating tenant to confer on him not only this benefit but more benefits by way of fixation of rent, occupancy rights, etc., in the next few years? He is only an intermediary. The object of the Bill is not to benefit the intermediary. But the intermediaries are there. If the Government really want to help

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the people, as the Hon. Deputy Chairman says, they must see that people from C to Z engaged in cultivation are helped. Somehow it is the opinion of the Government that land is equal to air and water and that nobody can claim it exclusively. This is not so. If I dig a well in my house, I will not allow that well water to be contaminated by others. If the air in my house is to be polluted by some one, I will have to prevent it. The law allows this even in respect of air and water to every individual. It is not as if the Government have given away lands to people free. Perhaps this may have been done some thousands of years ago. But what about the poor persons who by the sweat of their brow saved a few thousands of rupees and invested that saving on lands? Are they not our own brethren? Should we deprive them? Should we not have more sympathy for these people than we show to the intermediary who is called the cultivating tenant? Should we deprive our own people—petty officers of Government and other clerks who by their hard-earned money and by provident fund accumulations have acquired some lands—of their lands by this piece of legislation? The provision that persons paying profession tax are not eligible to resume land for personal cultivation must be taken away.

“A person ‘A’ leases his land to ‘B’ on the 1st December 1953. Between the period 1953 and 1955 he has taken away the land and *bona fide* now leased it to one ‘C’. Now the lands are in possession of ‘C’. The person who was cultivating the land on 1st December 1953, is ‘B’. Sub-paragraph (iii) of sub-clause (2) of clause 4 says—

‘If subsequent to the 1st December 1953, the landlord has *bona fide* admitted some other cultivating tenant to the possession of land and such other tenant has cultivated the land before the commencement of this Act ;’

That is, C, the man who is cultivating the land now, and to whom, with *bona fide* intention, A, the owner, gave the lands after the 1st December 1953, need not give back the lands if he holds below 6-2/3 acres, or if he, as the owner and tenant combined, does not cultivate more than 6-2/3 acres. I say that A has leased his lands to C after the 1st December 1953. According to one provision of the Bill, B, who was cultivating the land on 1st December 1953, should get the lands. But according to another provision, C, who has been cultivating the land after the 1st December 1953 and who, in his capacity both as tenant and owner, does not cultivate more than 6-2/3 acres, need not give the lands back to B. B may be a man owning no acres at all. B may be having no holding either on tenancy basis or on ownership basis. He may be in need of lands. He may not be paying profession tax, sales tax, or income-tax. In spite of that B is denied the privilege of getting the land from C, because C does not cultivate more than 6-2/3 acres. Here I find a provision lacking. There may be cases like this. Even if C is a big merchant paying profession tax, sales tax, and income-tax, he cannot be evicted because he is holding only less than 6-2/3 acres. He is not bound to give back the lands to B who was originally cultivating those lands on the 1st December 1953. I should like

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the Hon. Minister to enlighten us on this point. I have my own doubts whether this Bill does not go against the fundamental rights mentioned in Article 19 (1) (f) and (g) of our Constitution. Our Constitution says that every citizen has got the right of pursuing his own avocation and has got the right of acquiring, holding, and disposing of property. Here we are bringing in a Bill whereby a person, if he is paying profession tax, should not resume his lands for his own cultivation from a person who has been cultivating his lands on 1st December 1953. I should like hon. Members of this House to consider whether this is not against the spirit of our Constitution.

“As regards security of tenure for every tenant, I am in full agreement with the Government. But the Bill is affecting the position of small landholders for whom the Government must have some sympathy. These small landholders must have the power to resume cultivation of their own lands even if they pay profession tax provided of course the extent of lands does not exceed 6-2/3 acres as specified in the Bill.”

* THE HON. SRI M. A. MANICKAVELU:—“Sir, very 4-50
interesting speeches were made. Philosophical speeches were also p.m.
made. But, now, we are not on philosophy. We have to deal with hard realities. The hon. Member Sri Balasubramanya Ayyar said that these agrarian disturbances were only in isolated places and that in the State as a whole there were not many disturbances. Therefore he asked why a Bill of this sort was necessary. Sir, I admit the disturbances were in a few places only. It may be in a particular district or in a particular firka and even in a particular firka in one or two villages. In most of the areas in this State there is no agrarian trouble. Take for instance the Coimbatore district, the Nilgiris district or the Salem district. There is no agrarian disturbance there. So, legitimately they ask why for a few cases this Bill has been brought forward. But, Sir, I must remind the hon. Member that everybody on this earth is not law abiding. There are trouble makers in the land. We have to take note of it. Simply because there is trouble in a few places, we cannot keep quiet without taking any action to prevent any fresh outbreak of such disturbances in other places. Well, I give an example. Do the Health department wait for cholera or some other epidemis to spread? They do not wait. The Health department do not wait for cholera or anything to break out in every place and then rush their team to deal with it. If there is an outbreak somewhere, they take the precaution of going all around and taking precautionary steps. The Government also, Sir, must treat it like some disease. We must take precaution. We cannot be waiting for the outbreak of agrarian trouble in each and every place and then go and deal with it. We must take a comprehensive view according to the word used by the hon. Member Dr. John in connection with the land reform. We must take a long range view and deal with it and that is why this Bill is brought in.

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"Sir, I must congratulate and also thank the learned Vice-Chancellor of the Annamalai University for explaining the scope of the Bill very clearly and succinctly. He very ably made it out that this Bill is intended to settle the agrarian disturbances so that the agricultural operations may go on and production may not suffer; and that is all the simple object of the Bill. It does not deal with other things though there is a certain provision in the nature of ceiling. The primary object is not to deal with any reformative policies.

"Sir, as usual, the hon. the Deputy Leader of the Opposition gave his knowledge of Germany, France and other places as to how the land reform should be carried out and how it can be carried out easily by giving bonds, etc. I wish he had said all these things in connection with the other Bill. This poor Bill cannot bear the weight of all that knowledge. As for the other Bill, Sir, I may assure the hon. Member that the Government are very earnest in bringing forward a comprehensive Bill and they took every step to have this Bill introduced as early as possible. In fact, they had a frame-work of the scheme ready. Suddenly, as I said the other day, some constitutional and other legal difficulties came in. That is why we could not have it as a whole. We are now breaking it up. Soon difficulties will be cleared and the rest of the provisions can be had in the form of another Bill."

DR. V. K. JOHN :—"May I know whether this Bill will be for one year?"

* THE HON. SRI M. A. MANICKAVELU :—"It is hoped to be only for a year.

"Then, Sir, the hon. Member said 'Well, they did it in Bombay.' I submit that, as a lawyer, he should have understood the difference in tenure there and here. We examined it because we wanted to find out how Bombay was going ahead when we were not in a position to do so. The position is this. If the recent amendment that took place in Parliament was passed in the original form in which it was introduced, it would have suited our purpose. But, they made a change in the Select Committee and it gave us difficulty, but it did not give to Bombay. The meaning of the word 'estate' in Bombay and Hyderabad includes a ryotwari tenure also. But, in our State, 'estate' does not include ryotwari tenure. That is the difficulty in our State. So, Bombay Government was able to take advantage of the amendment. That is the difference between Bombay and Madras.

"In this connection, I may state that there are two extreme views about this land reform. One section wants us to go head-long. Another section wants us practically not to move. Now, the Government has to steer clear of these and do what is fair and reasonable. That is just what the Government is attempting to do now. One hon. Member wanted to put back the date to 1946. That we could understand because the Congress passed a resolution

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then. '1952' also we can very well understand because the Tanjore Tenants and Pannaiyal Protection Act was then passed. But, an hon. Member suggested to go back to 1922 when Mahatma Gandhi started his political campaign. He said that even then people thought they would get land, that the land would go to the tiller of the soil, and so he wanted us to put back the date so early as that. But, we will have to fix a date by which we can work this Act smoothly.

"So, the Select Committee fixed the date as 1954. Well, it might be said that the Government yielded to change the year from 1954 to 1953. Sir, if we go back too much, it will be very difficult to work it. That is why we fixed 1954. But still when there are certain people asking us to go back to 1922, we thought that it did not make much of a difficulty if we put it back by one year. I realized that there are difficulties. Now, I understand that some of the very people who wanted the date to be put back now want to shift it to 1954. They seem to have come to understand the difficulty. They thought they will get an advantage. But, they now think that they will not. So, we cannot be vacillating. Bad enough to have shifted the date, but now to shift again is not good."

SRI A. GAJAPATHY NAYAGAR:—"What about July 1954?"

* THE HON. SRI M. A. MANICKAVELU:—"The date was deliberately put as 'December' and not 'July'. It is for this purpose. Generally, the agricultural year is between April, May, June-July to next June-July. Leases are changed generally for the agricultural year, i.e., in the months of April, May and June. Government thought, that such leases were changed normally. There are tenants who have been on the land for 30 or 40 years but there are also tenants who are not kept for more than a year. If a man is changed at the end of the agricultural year, it may be for reasons other than this particular reason. What is that particular reason? The particular reason is to get back the land in order to avoid the 'ceiling' legislation. Our purpose is not to block that—the normal course of eviction. If the tenant is disturbed in the midst of agricultural operations, then there must be some ulterior motive. Perhaps the landlord might do so in order to take back the land himself, so that the tenant could not claim tenancy right. That is why we have said 1st December and not July.

"Regarding sales-tax, profession-tax and income-tax, there may be cases wherein the landlord may be owning lands less than 6-2/3 acres but at the same time he might be carrying on some business and earning profits. That is why we wanted it to be limited to men, who entirely depend upon agriculture and not upon other professions also for their source of income. Then it was said that when we put such a limitation on the landlord, such a

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limitation should be put on the tenant also, because there are some tenants who are richer than landlords. That is why by an amendment which was introduced, limitation was put in the case of tenants also. Some hon. Members have expressed doubt regarding the provision in respect of 'sales-tax'. There is no need for any doubt. If a man buys some article and pays sales-tax and at the same time he is a landlord, he would not be affected. Only if he is assessed to sales-tax or income-tax, he would be affected. That is the correct interpretation which has to be put."

SRI O. P. RAMASWAMI REDDIAR :—" In the rules that are to be framed under this Bill, make that position clear."

* THE HON. SRI M. A. MANICKAVELU :—" We will do so. A point has been made out that the tenant who was cultivating on 1st December 1954, and if he had been evicted, he would be restored by this Bill, but the previous tenant would not be put back. Our object is this. We do not want to make any distinction between tenant and tenant. If a landlord has taken a tenant *bona fide*, he should be protected. The idea is no *bona fide* tenant should be evicted so that cultivation may go on. That is why we have said that *bona fide* tenants should not be disturbed. As to the question of intermediary, let me make it clear that we do not want to give benefit to the intermediaries. The word 'hired labour' seems to have caused some doubt in the minds of some hon. Members. An intermediary is a person who takes the land on lease but does not himself cultivate. Such sort of intermediaries we do not want to help. But anyone who takes the land on lease, if he wants to cultivate, has got to do so with hired labour. Even if he has a number of servants, he cannot carry on cultivation without hired labour. I think many hon. Members who have spoken on this subject have no sufficient knowledge of agriculture. Even if a cultivating man and the members of his family work, they will have to have recourse to hired labour. That is the fact. Our idea is not to help the intermediary but to help one who depends solely on agriculture for his livelihood.

" As regards arrears of rent to be paid we have said that all arrears of rent accruing subsequent to 31st March 1954 should be paid. There are many landlords and there are widows who entirely live upon agricultural income. We have to protect such kind of people also. About old arrears, the landlord could collect them in the usual way. Even for the interest accrued subsequent to 31st March 1954, hon. Members in the Assembly pleaded that even that burden the tenants would not be able to bear and they pleaded that the tenant should be made to pay that in 4 or 5 instalments. It is provided that the tenant should pay arrears of rent from 31st March 1954 and that if he wants some more time than what is stipulated in the Bill, he should apply to the Revenue Divisional Officer. If the Revenue Divisional Officer thinks, on the merits of the case, that some more time should be allowed to the tenant he may do so. But within the time granted by the

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Revenue Divisional Officer, the tenant should pay the arrears. I think I have more or less covered all the points raised by hon. Members.

“ As I have previously said our intention is to help those who depend for their livelihood on agriculture and not those who are having lands and at the same time carry on other avocations by which they earn money. Only when a person is *assessed* to sales tax and if he possesses lands within $6\frac{2}{3}$ acres, we have said that that person would not be protected by this Bill. Any person owning $6\frac{2}{3}$ acres and less simply because he pays sales tax for the articles he buys for his consumption need not fear that he would not be protected under this Act. This Act will not apply to such a person. That is our idea. Only if a person is assessed to sales tax and owns $6\frac{2}{3}$ acres and less, he will not be protected. Other persons who are not assessed to sales tax and possessing less than $6\frac{2}{3}$ acres are protected. This is only a temporary measure for one year. All these provisions were not there in the original Bill. They came in during the Select Committee stage and when the Bill was again discussed in the Assembly. When a provision has been laid down for landlords owning less than $6\frac{2}{3}$ acres it was said that there should be such a provision for tenants also. That is why we have laid the proviso to sub-clause (2) of clause 4 in respect of tenants also.”

SRI G. KRISHNAMOORTHY :—“ Suppose one who is assessed to profession tax, if he were to lose his profession, can he resume the land for personal cultivation? ”

* THE HON. SRI M. A. MANICKAVELU :—“ Only if he has been assessed to any profession tax under the respective laws relating to the levy of such a tax during 1953-54 and 1954-55, he cannot have the right to restoration of possession. If he had been assessed to profession tax in respect of previous years only, viz., 1952-53, 1951-52, etc., he escapes Scot free. Mr. Krishnamoorthi can advise his friends, if there are any, who were assessed to profession tax only in 1952-53 and not afterwards, that they are protected under this Act and they could go on merrily. This Bill does not apply to them. (Laughter.)

“ With these words, Sir, I move that the Bill be taken into consideration.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be taken into consideration.’ ”

The motion was carried and the Bill was taken into consideration.

Clause 2 was put and carried.

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Clause 3.

MR. CHAIRMAN :—" Motion moved—

'That clause 3 do stand part of the Bill.' "

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I move the amendments standing in my name, namely :—

1. *In sub-clause (2) (a), for the words and figures " 31st March 1954 " substitute the words and figures " 31st March 1953 ".*
2. *In sub-clause (2), add the following after sub-clause (d) :—
" or (e) who has in spite of eviction order by the court trespassed upon the land, raised crops and forcibly removed them."*
3. *In sub-clause 3 (a) (i), for the word and figures " 31st March 1954 " substitute the words and figures " 31st March 1953 ".*

" In view of the fact that the date 1st December 1954 has been changed to 1st December 1953, I thought that there should be a consequential amendment to clause 3 (2) (a) changing 31st March 1954 to 31st March 1953. It is but fair that we should have this consequential amendment. It is not a question of being generous. You cannot be generous unlawfully, even if it comes from the mouth of the Deputy Chairman. I cannot be generous to a murderer who commits an offence. Therefore there is no question of being generous at all here. I should not be expected to demand the pound of flesh here. I am only moving a consequential amendment which says that all arrears of rent up to 31st March 1953 should be paid to the landlord. I am not demanding anything extra but what it is legitimately due to the landlord.

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" Sir, the next thing I want to say is that there are instances where even when there is honourable court eviction, the tenants—certain tenants, not all of them—have trespassed on the land, raised crops and forcibly removed. There are cases like that. I am not saying that everybody does it. There are a large number of cases I know and in such cases of trespass, there should not be any restoration to the very same person who had taken the law into his own hands; he should not be protected.

" The third thing is the same as the first. I want instead of 31st March 1954, the date 31st March 1953 should be put. The principle of my first amendment and that of the third are similar.

" I have moved all the three amendments."

The amendments were duly seconded.

* THE HON. SRI M. A. MANICKAVELU :—" Sir, with regard to the first amendment, I concede the hon. Member is right, logically. But just as justice is tempered with mercy, logic should be

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tempered with something else. As regards this, anybody who had committed an act of 'waste', to put it legally, should not be put back on the land. I think it is covered by clauses (b) and (c). Not only that, we have added another clause that any one 'who has wilfully denied the title of the landlord to the land' shall not be put back. I think there is no necessity for these amendments."

SRI K. BALASUBRAMANYA AYYAR :—" I do not press the second amendment. But I am pressing the first and the third amendments."

Amendment No. 2 was withdrawn by leave of the House.

Amendment Nos. 1 and 3 were put and lost.

Clause 3 was put and carried.

MR. CHAIRMAN :—" Motion moved—

' That clause 4 do stand part of the Bill.' "

SRI K. BALASUBRAMANYA AYYAR :—" Sir, I move the amendments standing in my name, namely :—

' In sub-clause (1), for the words and figures " 1st December 1953 ", substitute the words and figures " 1st December 1954 ".

' In sub-clause 2 (i), omit the following words :—

" or if he has been assessed to any sales-tax, profession-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55."

' Omit sub-clause (2) (ii) (b).' "

DR. V. K. JOHN :—" I second the amendments, Sir."

MR. CHAIRMAN :—" Amendments moved—

' In sub-clause (1), for the words and figures " 1st December 1953 ", substitute the words and figures " 1st December 1954 ".

' In sub-clause 2 (i), omit the following words :—

" or if he has been assessed to any sales-tax, profession-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55."

' Omit sub-clause (2) (ii) (b).' "

SRI K. BALASUBRAMANYA AYYAR :—" Sir, this date 1st December 1953 has been accepted at the last moment in the Assembly and with that a caution has been given by the Leader of the Opposition there that 'attempts would be made in the Legislative Council to change; I hope and trust that the Government will not accept it'. Therefore this is practically, I think, acceptance of the Communist's position. Even though the Hon. Deputy

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Chairman affirmed that they were the best enemies of Communists, they have walked into their parlour. Because, in the Select Committee the whole question was considered."

SRI T. PURUSHOTHAM :—" Sir, I rise on a point of order. We are considering the Bill 'as' passed by the Legislative Assembly 'and is it in order for any hon. Member of this House to cast aspersions on the Government and on a Party that Government have yielded to any party in the Assembly or in the Council? "

MR. CHAIRMAN :—" There is nothing wrong."

SRI K. BALASUBRAMANYA AYYAR :—" Oh, yes. No aspersion is cast. Why, Government can yield always. But actually, I do not want them to yield. Therefore it is I say that the date 1st December 1954 was considered very carefully by the Government when they brought forward this Bill; they had every fact before them. Even in the Select Committee, they considered it and said 'No' when a change was proposed. What light was thrown since, I do not know. Let us think of the difficulties on account of the change from 1954 to 1953; other tenants would have been introduced and the old tenants would have gone to another land. When we restore the land to the old tenant, what becomes of his new land and what becomes of the landlord of the new land? It is not like Malabar where the tenancy continues for twelve years; here the lease is renewed from year to year. Well, supposing the landlord had in the meantime sold the land, what happens? Even now in Tiruchirappalli district lands are being sold. Recently 2 acres of land were sold; it was worth Rs. 7,500, but it was actually sold for Rs. 5,000 to a relation of the tenant, in the idea that he may have the benefit. Merely as a compromise to put back the date, it is convenient for the Government. But it is not convenient either for the landlord or for the tenant. (Sri O. P. Ramaswamy Reddiar : Paradise to the lawyer.) Yes, as the hon. Mr. Ramaswamy Reddiar says, it is only a paradise to the lawyers. Therefore, this compromise should not have taken place. I repeat it; though my hon. Friend raises a point of order I will repeat that this compromise ought not to have happened. Shall I suggest another compromise? Let us have the date as July 1954. At any rate, as the hon. Member Sri Gajapathy Nayagar said, July is the beginning of the season when the leases are renewed. But the Government have taken December when the tenants would be far away whereas in July they will be executing lease deeds and with the landlord and on the lands. And the Judge will be able to put his finger and say surely who was the tenant then. Sri Gajapathy Nayagar as a Judge from experience said that it was difficult to find the exact man if we adopted December. That is why I say if at all the Government go in for a compromise—I am prepared for a compromise—let them adopt July 1954; that will be perfectly all-right; it is just. And it will be convenient for the Revenue Divisional Officer to decide disputes. He can very well see on the

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spot who the man in possession of the land is. Therefore, it is easier for the Revenue Divisional Officer and it is easier for the Judge. Further, technically also when the date has been changed from 1953 to 1954, this should also be changed consequentially.

“ The other thing is about the sales-tax, profession-tax, etc. My hon. friend Sri Krishnamoorthi quoted very sensible instances. A retired man would have invested his money on land. He may want it for personal cultivation. He might have subsequently sold it out. In all these cases, it may be construed by those officers—with all respect to them, they have no judicial experience—as cases of eviction. I am against the whole provision. Why should we think that if a person pays sales-tax or profession-tax or income-tax, he is not a cultivating tenant. All his money has been put into the land. Don't we want the moneys of other people to go into the land for increasing and improving agricultural production? That is the most important thing in our country. Because other capital is flowing into the land, the ryotwari system is a much better system than any other system. What is the use of putting forward a general proposition that the tiller of the soil should be the owner? We should not forget that agriculture in our country especially cannot be successfully carried on without sufficient capital. We want capital for purchasing manure, we want capital for purchase of cattle and we want capital for so many other things connected with agriculture; there is the purchase of fertilizers like ammonium sulphate, super-phosphate and many other things. It is to buy all these things that we want capital. Suppose for example a man paying sales-tax has got money to invest on land, why should he not be a cultivating tenant. Suppose I want to be a cultivating tenant. I may be here in Madras but I may like to go to my village for some five or six months and take up cultivation. If money flows from other sectors to the agricultural sector, it is the most valuable thing that can happen in our State. You have followed some principles in the Tanjore Tenants and Pannaiyals Protection Act. Let us not have those propositions here. Here, a cultivating tenant may cultivate by his own labour or by hired labour. Why should people who pay sales-tax be prevented from becoming cultivating tenants? With the development of communications—we are told that our roads are going to be metalled and concreted—our country would become prosperous. We should allow money to flow from other sectors to the agricultural sector. It will be useful. That is why the ryotwari system has worked well all along. Some people, who have got money, have also bought lands. Some people, who were actually following other professions, went back to their lands for the purpose of cultivating them, leaving their professions. Therefore, it is a question of principle so far as the landlord and the tenant are concerned. Therefore I say that the concerned clause should be omitted. I am sure it will not be omitted because the majority will be against it. But still I want to say as a general principle that this is wrong. In the land reforms legislation, which the Government are going to bring in, they should

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not have the impression that money should not flow from other quarters. There may be our ryotwari proprietors, even though they may be paying sales-tax or profession-tax or income-tax. There is nothing wrong in that. It is the best way by which agriculture can improve in our country."

* THE HON. SRI M. A. MANICKAVELU :—" Sir, too much significance is attached to the change of date from 1954 to 1953. In spite of the date that is being mentioned in this legislation, the disputes between the landlords and the tenants are being amicably settled. Even in the controversial district of Tiruchirappalli, I have got information that they have settled their differences and that cultivation operations are going on. Now, this Act is intended only for the incorrigibles who are not able to settle their differences. It is only in such cases that the Act will have to be applied. The only difficulty is about the question of proving possession. To prove that a particular person was in possession of the land on a particular date is a little bit difficult. I can appreciate the difficulty. The section of the society that thinks that it will gain by shifting the date to one year back wants to have the change. The other section which thinks that it will lose by the change does not want the change. It is a dilemma. (Laughter.) I therefore think that it is better not to interfere and leave things as they are. (Interruption.)

" As regards the restriction in the case of persons paying sales-tax or profession-tax or income-tax, I can understand if any such restriction is put in the other pieces of legislation connected with land reforms. Here it is used for a limited purpose. It will apply both in the case of the landlord and the tenant who pay sales-tax or profession-tax, etc. That means that the landlord or tenant has got another avocation and he is able to eke out his livelihood and get on. The whole agrarian trouble has arisen because of the fact that there are people who are unemployed. They want that some land should be given to them so that they may cultivate. When food is denied to people, all sort of things will happen. (Laughter.) Riots and other disturbances take place. The Government are interested in seeing that there are no lazy and unemployed people in the State. So the first preference is given to those people who have no other means of earning a livelihood. If a man has got other ways of earning, for example like a profession, he will get on easily. He would not be very much affected as regards keeping his body and soul together. But the other man who cannot keep his body and soul together is very much affected. That is why the restriction is put. So hon. Members will easily understand the purpose with which we have introduced that clause."

MR. CHAIRMAN :—" The question is—

' In sub-clause (1), for the words and figures " 1st December 1953 ", substitute the words and figures " 1st December 1954 ". ' "

The amendment was lost.

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(L.A. BILL NO. 11 OF 1955)

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MR. CHAIRMAN :—“ The question is—

‘ In sub-clause 2 (i), *omit* the following words :—

“ or if he has been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55 ”. ’ ”

The amendment was lost.

MR. CHAIRMAN :—“ The question is—

‘ *Omit* sub-clause (2) (ii) (b). ’ ”

The amendment was lost.

Clause 4 was put and carried.

Clauses 5 to 7 were put and carried.

Clause 1 and the Preamble were put and carried.

* THE HON. SRI M. A. MANICKAVELU :—“ Sir, I move—

‘ *That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be passed.* ’ ”

* SRI V. GURUNANDAN ROW :—“ Mr. Chairman, Sir, just as my hon. Friend Sri A. M. Allapichai said that it was the speech of Dr. V. K. John that made him rise to speak, so also it is Mr. Allapichai's speech as well as the remarks of the Hon. the Revenue Minister in reply to the motion for consideration of the Bill that prompts me to rise and speak a few words. I find I am in a very awkward position in this House. When I feel and say that the Government are moving at a snail's pace in the matter of land reforms, I find the other Members in the Opposition cautioning against haste and saying that they are moving fast. They say ‘ You are doing something wonderful. You should not go too fast. You are creating a revolution ’. That is why I say that I am in an awkward position here.

“ I feel that this matter of land reforms is a very important question. In this connection I would like to refer to the speeches of the Hon. the Revenue Minister and the hon. Member Sri A. M. Allapichai on the question as to why these land reforms are being brought about. The Hon. Minister said that it was a question where they should take a middle course as between what the landlord wants and what the tenant wants. I ask ‘ Has the Congress Party no conception of social justice in this matter? Is it merely because that the Government want to effect a compromise between the landlord and the tenant they are doing all this? ’ After all, the Congress is a political party just like any other Party. They cannot say that they are the best judges to see that justice is done between the landlord and the tenant. A political party represents certain sections of the people. The peasantry to-day

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forms the majority of the total population of the country. How then, can you say that you do not represent either the peasantry or the landlords but act as a sort of Judges? How can the Congress Party say that they are not going to be partial towards this person or that person and that they are going to make a compromise between one class of persons and another class of persons? It is unthinkable that a political party can take up this attitude. I challenge the Congress Party to go and say this in the next elections that when they come to power they would no longer be a political party and that they would not stand for a particular class whose interests clash with those of the ruling class, namely, the landlords. Sir, I want a categorical statement from the Government. Do they do this only for the purpose of steering a middle course? Or is it for the purpose of doing social justice? When the peasantry—the tillers of the soil—are by the sweat of their brow getting something and that is being taken away as rent, what is the meaning in bringing forward this halting legislation—an apology for land legislation? This is the point I want to make out. I say that this sort of halting legislation means that when we are taking a step forward the Government are taking two steps backward.”

* THE HON. SRI M. A. MANICKAVELU :—“ Sir, I do not really understand the outburst of the hon. Member at the far end of the sitting now. He said that I was steering a middle course, I had no definite views, and that I wanted to compromise this way and that way. He is probably thinking of the story of the monkey and the cats. There is no such thing here. He also used the term ‘social justice’. I stand by social justice—social justice as understood by an ordinary man of prudence and generally understood. It is not social justice as thought of by the hon. Member. I know his ideas of social justice. Here we in this land are not out for that social justice.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Cultivating Tenants Protection Bill, 1955 (L.A. Bill No. 11 of 1955), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

MR. CHAIRMAN :—“ I now adjourn the House till 11 a.m. to-morrow.”

The House then adjourned.

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APPENDIX.

[Vide item IV (2) on page 510 supra.]

L.A. BILL No. 11 OF 1955.

(As passed by the Assembly.)

A Bill for the protection from eviction of cultivating tenants in certain areas in the State of Madras.

WHEREAS it is necessary to protect cultivating tenants in certain areas in the State of Madras from unjust eviction;
BE it enacted in the Sixth Year of the Republic of India as follows :—

1. *Short title, extent and duration.*—(1) This Act may be called the Madras Cultivating Tenants' Protection Act, 1955.

(2) It extends to the whole of the State of Madras, except—

(i) the districts of Malabar and South Kanara;

(ii) the Gudalur taluk of the Nilgiri district; and

(iii) the areas in which the provisions of the Tanjore Tenants and Pannaiyal Protection Act, 1952 (Madras Act XIV of 1952), are in force.

(3) It shall remain in force for a period of one year.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) "cultivating tenant" means a person who cultivates, by his own labour or by that of any other member of his family or by hired labour under his supervision and control, any land belonging to another, under a tenancy agreement, express or implied, and includes—

(i) any such person who continues in possession of the land after the determination of the tenancy agreement; and

(ii) the heirs of such person;

(b) "cultivation" means the use of lands for the purpose of agriculture or horticulture;

(c) "holding" means a parcel or parcels of land held by a cultivating tenant;

(d) "land" means land used for the purposes of agriculture or horticulture and includes any building, or any waste, vacant or forest land, appurtenant thereto, and any house-site belonging to the landlord and let to the cultivating tenant under the same agreement of tenancy;

(e) "landlord" in relation to a holding or part thereof means the person entitled to evict the cultivating tenant from such holding or part;

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(f) "Revenue Divisional Officer" means the Revenue Divisional Officer in whose jurisdiction the holding in question or part thereof is situate or an officer of the Revenue Department not lower in rank than the Revenue Divisional Officer, empowered by the State Government in this behalf.

3. *Landlords not to evict cultivating tenants.*—(1) Subject to the next succeeding sub-sections, no cultivating tenant shall be evicted from his holding or any part thereof, during the continuance of this Act, by or at the instance of his landlord, whether in execution of a decree or order of a Court or otherwise.

(2) Subject to the next succeeding sub-section, sub-section (1) shall not apply to a cultivating tenant—

(a) who, if in arrear at the commencement of this Act with respect to rent payable to the landlord and accrued due subsequent to the 31st March 1954, does not pay such rent within a month after the commencement of this Act or who, after the commencement of this Act, does not pay rent within a month after such rent accrues due; or

(b) who has done any act or has been guilty of any negligence which is destructive of, or injurious to, the land or any crop thereon or has altogether ceased to cultivate the land; or

(c) who has used the land for any purpose not being an agricultural or horticultural purpose; or

(d) who has wilfully denied the title of the landlord to the land.

Explanation.—A denial of the landlord's title under a *bona fide* mistake of fact is not wilful within the meaning of this clause.

(3) (a) A cultivating tenant may deposit in Court the rent or, if the rent be payable in kind, its market value on the date of deposit, to the account of the landlord—

(i) in the case of rent accrued due subsequent to the 31st March 1954, within a month after the commencement of this Act;

(ii) in the case of rent accrued due after the commencement of this Act, within a month after the date on which the rent accrued due.

(b) The Court shall cause notice of the deposit to be issued to the landlord and determine, after a summary enquiry, whether the amount deposited represents the correct amount of rent due from the cultivating tenant. If the Court finds that any further sum is due, it shall allow the cultivating tenant such time as it may consider just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing such further sum inclusive of such costs as the Court may allow. If the Court adjudges that no further sum is due, or if the cultivating tenant deposits within the time allowed such further sum as is ordered by the Court, the cultivating tenant shall be deemed to

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have paid the rent within the period specified in the last foregoing sub-section. If, having to deposit a further sum, the cultivating tenant fails to do so within the time allowed by the Court, the landlord may evict the cultivating tenant as provided in sub-section (4).

(c) The expression "Court" in this sub-section means the Court which passed the decree or order for eviction or, where there is no such decree or order, the Revenue Divisional Officer.

(4) (a) Every landlord seeking to evict a cultivating tenant falling under sub-section (2) shall, whether or not there is an order or decree of a court for the eviction of such cultivating tenant, make an application to the Revenue Divisional Officer and such application shall bear a court-fee stamp of one rupee.

(b) On receipt of such application, the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant to make their representations, hold a summary enquiry into the matter and pass an order either allowing the application or dismissing it and in a case falling under clause (a) of sub-section (2) in which the tenant had not availed of the provisions contained in sub-section (3), the Revenue Divisional Officer may allow the cultivating tenant such time as he considers just and reasonable having regard to the relative circumstances of the landlord and the cultivating tenant for depositing the arrears of rent payable under this Act inclusive of such costs as he may direct. If the cultivating tenant deposits the sum as directed, he shall be deemed to have paid the rent under sub-section (3) (b). If the cultivating tenant fails to deposit the sum as directed, the Revenue Divisional Officer shall pass an order for eviction.

4. *Right to restoration of possession.*—(1) Every cultivating tenant who was in possession of any land on the 1st December 1953 and who is not in possession thereof at the commencement of this Act shall, on application to the Revenue Divisional Officer, be entitled to be restored to such possession on the same terms as those applicable to the possession of the land on the 1st December 1953.

(2) Nothing in sub-section (1) shall be deemed to entitle any such cultivating tenant to restoration of possession—

(i) if, on the day this Act comes into force, he is in possession, either as owner or as tenant or as both, of land exceeding the extent specified in the Explanation below or if he has been assessed to any sales-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55; or

(ii) if the landlord, after evicting such cultivating tenant from the land, has been cultivating the land by his own labour or by that of any other member of his family or by hired labour under his supervision or control, provided as follows:—

(a) the total extent of land held by such landlord inclusive of the land if any held by him as a tenant does not exceed the extent specified in the Explanation below; and

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(b) the landlord has not been assessed to any sale-tax, profession-tax or income-tax under the respective laws relating to the levy of such taxes during 1953-54 or 1954-55; or

(iii) if subsequent to the 1st December 1953, the landlord has *bona fide* admitted some other cultivating tenant to the possession of land and such other tenant has cultivated the land before the commencement of this Act :

Provided that where such other tenant is in possession, either as owner or as tenant or as both; of any other land which exceeds the extent specified in the Explanation below and the cultivating tenant who was evicted is not in possession of any land or is in possession of any other land which is less than the extent specified in the said Explanation, the cultivating tenant shall be entitled to restoration of possession.

Explanation.—The extent referred to in clauses (i) to (iii) above is 6-2/3 acres of wet land or dry land irrigated from any Government source of irrigation; which shall be taken to be equivalent to 20 acres of dry land not irrigated from any Government source of irrigation for the purpose of determining the extent of land in any case where it consists of one or more of the classes of land mentioned above.

(3) Every application to a Revenue Divisional Officer under sub-section (1) shall be made within thirty days from the commencement of this Act, and shall bear a court-fee stamp of one rupee :

Provided that the application may be received after the period of thirty days aforesaid, if the applicant satisfies the Revenue Divisional Officer that he had sufficient cause for not making the application within that period.

(4) On receipt of an application, under sub-section (3), the Revenue Divisional Officer shall, after giving a reasonable opportunity to the landlord and the cultivating tenant, if any, in possession of the land, to make their representations, hold a summary inquiry into the matter and pass an order either allowing the application or dismissing it. In passing an order allowing the application, the Revenue Divisional Officer may impose such conditions as he may consider just and equitable including conditions in regard to—

(i) the payment by the applicant of any arrear of rent already due from him to the landlord, but not exceeding in amount one year's rent, and

(ii) the reimbursement by the applicant of the landlord or the other cultivating tenant in respect of the expenses incurred or the labour done by him during the period when the applicant was not in possession of any crop which has not been harvested, if an agreement is not reached between the parties as regards the rates and manner of such reimbursement.

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Explanation.—In lieu of imposing any condition relating to reimbursement as provided in clause (ii), the Revenue Divisional Officer may, in his discretion, postpone the restoration of the applicant to possession of the land, until any crop which is being grown thereon at the time when the order is passed, has been harvested.

5. *Exclusion of time for limitation.*—In computing the period of limitation or limit of time prescribed for an application for the execution of a decree or order for the eviction of a cultivating tenant, the time during which he was protected by section 3 from eviction shall be excluded.

Explanation.—A decree or order shall be deemed to be a decree or order for the eviction of a cultivating tenant, notwithstanding that any other relief is also granted by such decree or order.

6. *Bar of jurisdiction of civil courts.*—No civil court shall, except to the extent specified in section 3 (3), have jurisdiction in respect of any matter which the Revenue Divisional Officer is empowered by or under this Act to determine and no injunction shall be granted by any court in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

7. *Power to make rules.*—(1) The State Government may, by notification in the *Fort St. George Gazette*, make rules to carry out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than fourteen days before both Houses of the State Legislature, as soon as possible after they are made, and shall be subject to such modifications whether by way of repeal or amendment, as those Houses may make during the Session in which they are laid.

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